

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**DOUGLAS I. HORNSBY, Administrator  
of the Estate of CYNTHIA GARY,**

**Plaintiff,**

**v.**

**Case No. 2:22cv427**

**UNITED STATES of AMERICA, et al.**

**Defendants.**

**MOTION FOR ENTRY OF CONSENT ORDER GRANTING DEFENDANT  
METRO MACHINE CORP.'S MOTION FOR JUDGEMENT ON THE  
PLEADINGS WITHOUT PREJUDICE**

The Plaintiff, by counsel, moves for entry of a Consent Order dismissing Defendant Metro Machine Corp. d/b/a General Dynamics NASSCO-Norfolk (“NASSCO-Norfolk”) from this case without prejudice.

Defendant NASSCO-Norfolk filed a Motion for Judgment on the Pleadings under Fed. R. Civ. P. 12(c). *ECF No. 95*. After discussion between counsel, the Plaintiff agreed that it would not oppose NASSCO-Norfolk’s motion if NASSCO-Norfolk agreed that it would be dismissed without prejudice so that the Plaintiff could request leave to file an Amended Complaint at a later time should additional facts be learned in discovery to support a claim for negligence against NASSCO-Norfolk.

Accordingly, the Plaintiff requests entry of the attached Consent Order granting NASSCO-Norfolk’s motion and dismissing NASSCO-Norfolk without prejudice.

Respectfully submitted,  
**DOUGLAS I. HORNSBY, Administrator**  
**of the Estate of CYNTHIA GARY**

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of October, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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